



Board of County Commissioners of Washington County, Maryland

Open Session Minutes

May 17, 2022

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

A moment of silence was observed, followed by the Pledge of Allegiance to the Flag by the full assemblage.

CALL TO ORDER

President Jeffrey A. Cline called the regular meeting of the Board of County Commissioners of Washington County, Maryland, to order at 10:02 a.m. at 100 West Washington Street, Hagerstown, Maryland, with the following members present: Vice President Terry L. Baker; Commissioner Wayne K. Keefer; Commissioner Randall E. Wagner; and Commissioner Charles A. Burkett.

APPROVAL OF MINUTES

Commissioner Baker, seconded by Commissioner Keefer, moved to approve the minutes of May 10, 2022. The motion passed unanimously.

COMMISSIONER COMMENTS

The Commissioners provided a brief overview of events attended throughout Washington County.

Vice President Baker presented a request from the Clear Spring Fire Department for funding in the amount of \$3,200 for a pole to relocate a sign.

Commissioner Baker, seconded by Commissioner Wagner, moved to approve the request as presented. The motion passed unanimously.

Additionally, Vice President discussed the criteria for the opening and licensing of Marijuana facilities in Washington County. Jill Baker, Director, Planning and Zoning shared that the licensing is handled by the State of Maryland.

Commissioner Keefer discussed the Police Accountability Board and consideration for municipalities to have individual police departments. Additionally, he presented a request from the Department of Social Services for the Dad's Apprenticeship Program funding request in the amount of \$44,703.00. The Commissioners reached a consensus to incorporate this into the budget.

Commissioner Burkett shared information on several events and grand openings. Additionally, he spoke on a citizen comment from May 10, 2022 regarding the Board of Education budget and provided clarification on the matter. He further recognized the Town of Williamsport on the four (4) grand openings recently held.

Commissioner Wagner recognized the Character Counts program and thanked Carolyn Brooks for her participation. Additionally, he recognized several events and ribbon cutting events in the Town of Williamsport.

President Cline congratulated graduates of Hagerstown Community College; additionally, he echoed Commissioner Burkett and Wagner's comments.

STAFF COMMENTS

Budget and Finance

Kelcee Mace, Interim CFO, shared information on the rating agencies and confirmed the AA+ rating, she thanked all those involved in this.

Division of Emergency Services

Dave Chisholm, Deputy Director, thanked the first responders of Washington County. The Board of County Commissioners presented Mr. Chisholm with a Proclamation recognizing Emergency Services Week, May 15 – 21, 2022.

County Administrator

John Martirano reminded all of the upcoming Budget Hearing, 6:00 p.m. Hagerstown Community College. Additionally, he thanked the various staff members involved in the positive bond rating.

CITIZEN PARTICIPATION

Linda Whirl (sp.), Oak Ridge Drive, Hagerstown, shared concern for the mass construction of warehouses in Washington County.

Roger Worthington, 9775 Beaver Creek Church Road, Hagerstown, shared concern for traffic at Beaver Creek Road.

Stephanie Philips, P.O. Box 1264, Falling Waters, West Virginia, shared opinion on several matters.

Paula Worthington 9775 Beaver Creek Church Road, Hagerstown, concurred with Mr. Worthington's comments.

PUBLIC HEARING - APPLICATION FOR ZONING MAP AMENDMENT RZ-21-007

President Cline convened a public hearing at 10:34 a.m. to obtain public comment regarding RZ-21-007, rezoning application to rezone two (2) properties totaling 131.28 acres along Beaver Creek Road from Residential Multifamily (RM) to Highway Interchange (HI) due to a mistake made in 2012 to the Zoning. Commissioner Cline reviewed the procedures for the Public Hearing and County Clerk Krista L. Hart administered the oath to those who planned to give testimony in the matter.

Travis Allen, Comprehensive Planner, Planning and Zoning, presented the staff report and analysis on behalf of the Washington County Planning and Zoning. Mr. Allen shared that this matter was presented to the Washington County Planning Commission at a Public Information Meeting held during its regular meeting on February 7, 2022. On March 7, 2022, the Planning Commission unanimously recommended approval of the proposed map amendment.

Mr. Allen stated that twenty-three (23) comments in opposition to the rezoning request have been received at the time of the Commissioners Public Hearing.

Attorney William Wantz, 123 West Washington Street, Hagerstown, Maryland, presented the Applicant's case for 19817 Beaver Creek, LLC. He entered Applicant's Exhibit #1 into the official record. Mr. Wantz introduced Joshua Sewald, PE, PP, Dynamic Engineering, and Mike Nalepa, Street Traffic Studies, Ltd., who each were sworn in.

Mr. Seavolt and Mr. Nalepa discussed various potential impacts on neighboring properties and infrastructure, on behalf of the applicant.

Commissioner Wagner discussed comments regarding the water capacity.

Commissioner Keefer discussed the previous zoning classification.

The hearing was opened for public comment and eleven (11) individuals received the oath and shared opposition to the request:

Conrad (inaudible) 9816 Pembroke Drive, James Frankiewicz, 20514 Campbell Court, Betty Jo Shifler, 20017 Beaver Creek Road, entered Exhibit #2 into the record, Becky Jones, Redamar Drive, Linda Whirl, Oak Ridge Drive, Roger Worthington, 9775 Beaver Creek Road, George Newman 20605 Beaver Creek Road, Ruth Stenger, 9728 Redamar Dr., Laura Wright, Beaver Creek Road, Christine Abbott 20540 Beaver Creek Road, Paula Worthington, 9775 Beaver Creek Church Road.

Mr. Wantz presented rebuttal on behalf of the Applicant. He addressed comments regarding opposition on the proposed rezoning. Mr. Napela provided an overview on the concern of traffic generated by the proposed site. Mr. Seavolt discussed options of redevelopment and benefits of land space.

The Public Hearing was opened for Commissioner comments.

Commissioner Wagner shared that although he serves on the Planning Commission, he does not vote on that Board.

Commissioner Keefer asked what the Applicant's interest is in the rezoning, what is planned. Mr. Seavolt shared that the Real Estate Developer has no plan currently underway for use.

Mr. Wantz elaborated on Commissioner Keefer's inquiry regarding a viable use, adding that the zoning matter needs to be addressed prior.

The Public Hearing was closed at 11:57 a.m.

The Commissioners reached a consensus to decline the amendment request and directed staff to prepare a Decision and Findings of Fact to be presented to them for consideration and vote during a future meeting.

The Commissioners recessed at 11:59 a.m. and returned at 12:05 p.m.

REPORT ON 2022 POST LEGISLATIVE SESSION AND WASHINGTON COUNTY

Bruce Bereano, Lobbyist hired this session by the County Commissioners, discussed the recent legislative session and reported on items affecting Washington County. He described testifying before committees and having regular meetings with the County's delegation and other elected representatives to keep local issues in the forefront. Mr. Bereano also provided reports to the Commissioners and staff during the legislative session for statewide issues that may have affected Washington County.

The Commissioners thanked for Mr. Bereano for the update.

NATIONAL PUBLIC WORKS WEEK

The Board of County Commissioners presented Andrew Eshleman, Director, Public Works, Jaime Dick, Deputy Director, Parks and Recreation, and Zane Rowe, Deputy Director, Highway Department, with a certificate recognizing May 15-21, 2022 as National Public Works Week. Mr. Eshleman thanked various members of his team for the contributions made towards the individual departments.

FISCAL YEAR 2023 POLICE RECRUITMENT AND RETENTION GRANT-APPROVAL TO SUBMIT APPLICATION AND ACCEPT AWARDED FUNDING

Cody Miller, Quartermaster/Grant Manager, Washington County Sheriff's Office, and Rachel Souders, Senior Grant Manager, Office of Grant Management, recommended approval to submit a grant application for the FY23 Police Recruitment and Retention Grant to the Governor's Office of Crime Prevention, Youth, and Victim Services in the amount of \$38,295 and accept funding as awarded.

Commissioner Baker, seconded by Commissioner Burkett, moved to approve the submittal of the grant application in the amount of \$38,295, and to accept funding as awarded, as presented. The motion passed unanimously.

INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-22-0087) PERSONAL PROTECTIVE EQUIPMENT FOR DIVISION OF EMERGENCY SERVICES

Brandi Naugle, Buyer, Purchasing, and Dave Chisholm, Emergency Services, recommended approval by resolution, the purchase of thirty-nine (39) sets of Personal Protective Equipment (PPE) for the Division of Emergency Services from Municipal Emergency Services, Rockville, Maryland at contracted unit prices totaling \$123,788.34 based on the contract awarded by the Fairfax County, Virginia contract (Solicitation #2000003296). Funds are budgeted in the departments operating account 599999-10-10500.

Commissioner Burkett, seconded by Commissioner Baker, moved to approve by resolution, the purchase of thirty-five sets of Personal Protective equipment from Municipal Emergency Services in the amount totaling \$123,788.34 through an Intergovernmental Cooperative Purchase Agreement, as presented. The motion passed unanimously.

(Resolution No. RS-2022-18 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

CONTRACT AWARD (PUR1543) GROUNDS MAINTENANCE FOR VARIOUS COUNTY DEPARTMENTS

Ms. Naugle, John Easterday, Superintendent, Black Rock Golf Course, and George Sweitzer, Assistant Superintendent, Black Rock Golf Course, recommended award of the contract to the responsible companies with the responsive lowest bids that meet the specifications for each chemical item. The contract provides the needed chemicals for the Black Rock Golf Course, Highway Department, and Department of Water Quality. The City of Hagerstown may also utilize the contract. The contract term is for one year tentatively commencing July 1, 2022 and ending June 30, 2023. The Commissioners drew lots to award the procurement in the case of tie bids for Item Nos. 13, 20, 31, and 35, pursuant to Section 2.9 of the Washington County Purchasing Policy.

#	Vendor	Unit	Amount	#	Vendor	Unit	Amount
1	Nutrien Ag Solutions	Gallon	\$524.99	20	Nutrien Ag Solutions	Case	\$1612.80
2	Helena Agri Enterprises	Gallon	\$ 42.00	21	Helena Agri Enterprises	Gallon	\$ 36.00
3	Site One Landscape	Gallon	\$ 64.64	22	Helena Agri Enterprises	Gallon	\$295.00
4	Helena Agri Enterprises	Gallon	\$275.00	23	Nutrien Ag Solutions	Gallon	\$ 48.88
5	Helena Agri Enterprises	Gallon	\$128.00	24	Nutrien Ag Solutions	Gallon	\$ 26.99
6	Helena Agri Enterprises	Gallon	\$ 40.00	25	Helena Agri Enterprises	Gallon	\$134.00
7	Helena Agri Enterprises	Pound	\$ 15.00	26	Nutrien Ag Solutions	Gallon	\$ 34.49
8	Genesis	Gallon	\$ 43.20	27	Nutrien Ag Solutions	Gallon	\$340.00
9	Nutrien Ag Solutions	Gallon	\$ 31.59	28	Genesis	Gallon	\$1257.60
10	Genesis	Gallon	\$ 57.72	29	Nutrien Ag Solutions	Gallon	\$259.98
11	Nutrien Ag Solutions	Pound	\$ 74.40	30	Site One Landscape	Gallon	\$120.00
12	Helena Agri Enterprises	Pound	\$ 8.44	31	Helena Agri Enterprises	Pounds	\$ 31.81
13	Genesis	Gallon	\$496.00	32	Helena Agri Enterprises	Gallon	\$145.00
14	Helena Agri Enterprises	Gallon	\$ 47.75	33	Nutrien Ag Solutions	Pound	\$ 5.15

15	Nutrien Ag Solutions	Case	\$ 79.99	34	Genesis	Gallon	\$198.00
16	Helena Agri Enterprises	Gallon	\$ 53.08	35	Genesis	Case	\$1141.70
17	Nutrien Ag Solutions	Gallon	\$ 47.99	36	Helena Agri Enterprises	Gallon	\$ 71.00
18	Nutrien Ag Solutions	Gallon	\$104.00	37	Nutrien Ag Solutions	Gallon	\$ 57.90
19	Helena Agri Enterprise	Gallon	\$148.78				

Commissioner Wagner, seconded by Commissioner Burkett, moved to award the various contracts for Grounds Maintenance for Various County Departments (PUR1543) as presented. The motion passed unanimously.

CONTRACT AWARD (PUR1540) LEACHATE HAULING FROM COUNTY LANDFILL

Ms. Naugle and Dave Mason, Deputy Director, Solid Waste, requested approval to award the requirements contract for the Hauling of Leachate from the County landfill to A.C.& T. Company, Inc., Hagerstown, Maryland based on the responsive, responsible bidder with the lowest total lump sum amount of \$470,000.00

Ms. Naugle shared the contract period is for a one (1) year period tentatively commencing July 1, 2022, with an option by the County to renew for up to two (2) additional consecutive one (1) year periods with the first term ending June 30, 2023.

Commissioner Baker, seconded by Commissioner Keefer, moved to award contract PUR1540 to AC&T, Inc., in the amount of \$470,000, as presented. The motion passed unanimously.

BID AWARD (PUR1544) TRASH REMOVAL SERVICES AT COUNTY FACILITIES

Ms. Naugle requested approval to award the bid for Trash Removal Services at County Facilities to the responsible, responsive bidder, Republic Services, Hagerstown, Maryland, at the lowest submitted bid in the amount of \$67,698.60. The term of the Contract is for a one (1) year period tentatively to begin July 1, 2022, with an option by the County to renew for four (4) additional consecutive one (1) year periods.

Ms. Naugle shared the contract period is for a one (1) year period tentatively commencing July 1, 2022, with an option by the County to renew for up to two (2) additional consecutive one (1) year periods with the first term ending June 30, 2023; funds are available in various departmental budgets.

Commissioner Burkett, seconded by Commissioner Baker, moved to award contract PUR1544 to Republic Services, Hagerstown, in the amount of \$67,698.60, as presented. The motion passed unanimously.

BUILDING EXCISE TAX ORDINANCE SUNSET CLAUSE

Rich Eichelberger, Director, Permits and Inspections, requested direction from the Board regarding an expiration date as it pertains to the Sunset Clause, suggesting that the Board consider the establishment of a new date and to amend the Building Excise Tax Ordinance.

Commissioner Keefer, seconded by Commissioner Burkett moved to direct staff to prepare an ordinance that would allow for removal of the Sunset Clause from the Building Excise Tax Ordinance. The motion passed unanimously.

FISCAL YEAR 2022 BUDGET ADJUSTMENT – BOARD OF ELECTIONS

Ms. Mace recommended approval of a budget adjustment for expenses related to the Primary Election from FY22 to FY23 in the amount of \$380,080.

Commissioner Burkett, seconded by Commissioner Baker, moved to approve the budget adjustment, as presented. The motion passed unanimously.

RETIREE HEALTH INSURANCE SUBSIDY DISCUSSION

Ms. Mace provided the Board with information pertaining to the retiree health insurance plan and an impact study on cost of several options and impact on the County and retiree.

Commissioner Baker asked about the option for an employee who has been employed 0-4 years, would they need to be vested. Deb Condo, Interim Director, shared that if an employee is retirement age appropriate, they would not need to be vested.

The Commissioners discussed the options as presented to include the annual cost.

Commissioner Keefer asked about the option for current retirees. Ms. Condo shared that any change to this plan would include current retirees and future retirees. Additionally, Commissioner Keefer expressed his concern over a delay and vote and the impact in the upcoming year enrollment.

The Commissioners discussed the change to plan documents to include age and vesting and a change in the health insurance for retirees.

Commissioner Keefer, seconded by Commissioner Burkett, moved to approve Option 1 for Employee and dependent with a change to coverage at 50% rather than the listed 60%, as presented. The motion passed unanimously.

CLOSED SESSION

Commissioner Baker, seconded by Commissioner Burkett, moved to convene in closed session at 1:25 p.m. to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals; and to consider a matter that concerns the proposal for a business or industrial organization locate, expand, or remain in the State, in accordance with Sections 3-305(b) (1) and (4) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

In closed session, the Commissioners discussed the compensation and filling of certain personnel vacancies with specific candidates; and to discuss certain business development updates.

Present during closed session were Commissioners Jeffrey A. Cline; Terry L. Baker; Wayne K. Keefer; Randall E. Wagner; and Charles A. Burkett; also, present were John M. Martirano, County Administrator; Kirk C. Downey, County Attorney, and Krista L. Hart, County Clerk. Additionally, the following staff member was present at times: Deb Condo, Interim Director, Human Resources; Susan Grimes, Director, Business Development; and Jonathan Horowitz, Business Development.

Commissioner Burkett left the meeting at 1:35 p.m.

RECONVENE IN OPEN SESSION

Commissioner Wagner, seconded by Commissioner Baker, moved to reconvene in open session at 1:38 p.m. The motion passed unanimously.

RECESS

The Commissioners recessed at 1:39 p.m.

The Board of County Commissioners convened at Hagerstown Community College, 11400 Robinwood Drive, Kepler Theater, Hagerstown, Maryland at 6:00 p.m.

PUBLIC HEARING FOR PROPOSED FISCAL YEAR 2023 BUDGET AND TAX RATE

A public hearing of the Board of County Commissioners of Washington County was held at 6:00 p.m. in the Kepler Theatre at Hagerstown Community College to consider the proposed Property Tax Rate for Fiscal Year 2023 (FY23) pursuant to the laws of the State of Maryland as well as the proposed FY20 budget for Washington County. In attendance were President Jeffrey A. Cline, Vice-President Terry L. Baker, and Commissioners Wayne K. Keefer, Charles A. Burkett, and Randall E. Wagner.

The public hearing was being held pursuant to and to satisfy the specific requirements of the laws of the State of Maryland, the requirements of the Constant Yield Tax Rate law, as contained in the notice published in The Herald-Mail on Monday, May 2, 2022, and to consider and obtain public comment on the proposed FY23 budget for Washington County as advertised. John Martirano, County Administrator, referred to the Citizen's Guide to the Budget for FY23 which was available at the public hearing, posted on the County's website, and shall be added into the recorded minutes. Mr. Martirano shared that the County has maintained an overall AA+ rating with the top three rating agencies and has received positive comments on its stable outlook, strong financial policies and financial management.

President Jeffrey A. Cline opened the hearing for public testimony at 6:20 p.m. Seven (7) individuals spoke on issues concerning the budget such as education and senior citizen services. Commissioner Cline adjourned the hearing at 6:46 p.m.

ADJOURNMENT

Commissioner Wagner, seconded by Commissioner Keefer, moved to adjourn the meeting 6:47 p.m. The motion passed unanimously.



Krista L. Hart, *County Clerk*